

ASSEMBLY BILL

No. 593

Introduced by Assembly Member Quirk

February 20, 2013

An act to amend Section 24300 of, and to add and repeal Section 23059 of, the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 593, as introduced, Quirk. Alcoholic beverages: Department of Alcoholic Beverage Control.

(1) The Alcoholic Beverage Control Act is administered by the Department of Alcoholic Beverage Control and requires the department to perform various duties relating to the issuance of alcoholic beverage licences.

This bill would require the department to evaluate its onsite license review process for restaurants in order to implement a more expedited licensing process. This bill would also require the department to prepare and submit a report to the Legislature, on or before December 31, 2015, relating to the review.

(2) The Alcoholic Beverage Control Act requires any hearings held on a protest, accusation, or petition for a license to be held at specified locations and to be conducted in accordance with specified administrative procedures.

This bill would additionally require that any hearing held on a protest be held within 60 days of the date from which the initial protest was filed.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 23059 is added to the Business and
2 Professions Code, to read:

3 23059. (a) The department shall evaluate its onsite license
4 review process for restaurants that are bona fide eating places in
5 order to implement a more expedited licensing process.

6 (b) (1) On or before December 31, 2015, the department shall
7 prepare and submit to the Legislature a report on the findings
8 regarding the onsite review process described in subdivision (a).

9 (c) The report required by subdivision (b) shall be submitted in
10 compliance with Section 9795 of the Government Code.

11 (d) This section shall remain in effect only until January 1, 2016,
12 and as of that date is repealed.

13 SEC. 2. Section 24300 of the Business and Professions Code
14 is amended to read:

15 24300. (a) Any hearings held on a protest, accusation, or
16 petition for a license shall be held in the county in which the
17 premises or licensee is located; provided, that hearings before the
18 department itself on reconsideration or under subdivision (c) of
19 Section 11517 of the Government Code may be held at any place
20 in the state where the department is meeting. Except as provided
21 in Section 24203 and in this section, the proceedings shall be
22 conducted in accordance with Chapter 5 (commencing with Section
23 11500) of Part 1 of Division 3 of Title 2 of the Government Code,
24 and in all cases the department shall have all the powers granted
25 therein. The department, in its exclusive discretion, shall consider
26 scheduling the hearing at a time, including evening hours, and at
27 a place convenient to all parties to a proceeding, including those
28 witnesses required to be present, and the public affected.

29 (b) Notwithstanding the provisions of subdivision (a), if a protest
30 is filed against an application for a license and the proposed
31 premises are located within a city, the department may, in its
32 discretion, hold the hearing within that city, unless the protest is
33 filed by the governing body of the city, in which case the
34 department shall hold the hearing within that city.

35 (c) For any hearing held pursuant to this division, the department
36 may delegate the power to hear and decide to an administrative
37 law judge appointed by the director. Any hearing before an
38 administrative law judge shall be pursuant to the procedures, rules,

1 and limitations prescribed in Chapter 5 (commencing with Section
2 11500) of Part 1 of Division 3 of Title 2 of the Government Code.
3 *(d) Any hearing held on a protest shall be scheduled within 60*
4 *days from the date of an initial protest filing.*

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